

ASSEMBLY BILL

No. 1906

Introduced by Assembly Member Wilk

February 19, 2014

An act to amend, repeal, and add Section 82542 of the Education Code, relating to community college property.

LEGISLATIVE COUNSEL'S DIGEST

AB 1906, as introduced, Wilk. Community college property: direct costs for use.

Existing law provides that there is a civic center at every community college within the state, and authorizes the governing board of a community college district to grant the use of college facilities or grounds for specified purposes. Existing law limits the amount a community college may charge an entity to use the college facilities or grounds for those purposes to specified costs. Existing law, for use of college facilities or grounds for other purposes, authorizes the governing board of a community college to charge an amount not to exceed its direct costs or not to exceed fair rental value, as those terms are defined, of college facilities and grounds under its control.

This bill, until January 1, 2022, would expand the definition of direct costs to include, among other things, the share of costs for maintenance, repair, restoration, and refurbishment proportional to the entity's use of the college facilities or grounds. The bill would require the Chancellor of the California Community Colleges to develop, and the Board of Governors of the California Community Colleges to adopt, regulations to be used by a community college district in determining the proportionate share and the specific allowable costs to be included as

direct costs for use of its college facilities or grounds. The bill would make other related changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 82542 of the Education Code is amended
2 to read:

3 82542. (a) Except as provided in subdivision (b), the governing
4 board of ~~any~~ a community college district shall grant without
5 charge the use of any college facilities or grounds under its control,
6 pursuant to the requirements of this article, when an alternative
7 location is not available, to nonprofit organizations and clubs and
8 associations organized for general character building or welfare
9 purposes, such as:

- 10 (1) Student clubs and organizations.
- 11 (2) Fundraising entertainments or meetings where admission
- 12 fees charged or contributions solicited are expended for the welfare
- 13 of the students of the district.
- 14 (3) Parent-teachers' associations.
- 15 (4) School-community advisory councils.
- 16 (5) Camp Fire Girls, Girl Scout troops, and Boy Scout troops.
- 17 (6) Senior citizens' organizations.
- 18 (7) Other public agencies.
- 19 (8) Organizations, clubs, or associations organized for cultural
- 20 activities and general character building or welfare purposes ~~(such,~~
- 21 ~~such~~ as folk and square ~~dancing)~~ dancing.
- 22 (9) Groups organized for the purpose specified in subdivision
- 23 ~~(g)~~ (k).

24 (b) The governing board may charge those organizations and
25 activities listed in subdivision (a) an amount not to exceed the
26 following:

- 27 (1) The cost of opening and closing the facilities, if no college
- 28 employees would otherwise be available to perform that function
- 29 as a part of their normal duties.
- 30 (2) The cost of a college employee's presence during the
- 31 organization's use of the facilities, if the governing board
- 32 determines that the supervision is needed, and if that employee
- 33 would not otherwise be present as part of his or her normal duties.

1 (3) The cost of janitorial services, if the services are necessary,
2 and would not have otherwise been performed as part of the
3 janitor’s normal duties.

4 (4) The cost of utilities directly attributable to the organization’s
5 use of the facilities.

6 (c) The governing board may charge an amount not to exceed
7 its direct costs or not to exceed fair rental value of college facilities
8 and grounds under its control, and pursuant to the requirements of
9 this article, for activities other than those specified in subdivision

10 (a). ~~Each A governing board which~~ *that* decides to levy these
11 charges shall first adopt a policy specifying which activities shall
12 be charged an amount not to exceed direct costs and which
13 activities shall be charged an amount not to exceed fair rental
14 value.

15 (†)

16 (d) (1) As used in this section, “direct costs” to the district for
17 the use of college facilities or grounds ~~means those costs~~ *includes*
18 *all of the following:*

19 (A) *The share of the costs of supplies, utilities, janitorial*
20 *services, services of any other district employees, and salaries paid*
21 *to community college district employees* ~~necessitated by~~ *to operate*
22 *and maintain college facilities or grounds that is proportional to*
23 *the organization’s use of the college facilities and grounds of the*
24 *district under this section.*

25 (B) *The share of the costs for maintenance, repair, restoration,*
26 *and refurbishment, proportional to the use of the college facilities*
27 *or grounds by the organization using the college facilities or*
28 *grounds under this section. For purposes of this subparagraph,*
29 *“college facilities” shall be limited to only nonclassroom space,*
30 *and “grounds” shall include, but not be limited to, playing fields,*
31 *athletic fields, track and field venues, tennis courts, and outdoor*
32 *basketball courts.*

33 (2) *The share of the costs for maintenance, repair, restoration,*
34 *and refurbishment shall not apply to either of the following:*

35 (A) *Classroom-based programs that operate after school hours,*
36 *including, but not limited to, after school programs, tutoring*
37 *programs, or child care programs.*

38 (B) *Organizations retained by the college or community college*
39 *district to provide instruction or instructional activities to students*
40 *during school hours.*

1 (3) Funds collected pursuant to this subdivision shall be
2 deposited into a special fund that shall only be used for purposes
3 of this section.

4 (e) By December 31, 2015, the Chancellor of the California
5 Community Colleges shall develop, and the Board of Governors
6 of the California Community Colleges shall adopt, regulations to
7 be used by a governing board of a community college in
8 determining the proportionate share and the specific allowable
9 costs that a community college district may include as direct costs
10 for the use of its college facilities or grounds.

11 ~~(2)~~

12 (f) As used in this section, “fair rental value” means the direct
13 costs to the district, plus the amortized costs of the college facilities
14 or grounds used for the duration of the activity authorized.

15 ~~(d)~~

16 (g) The governing board of ~~any~~ a community college district
17 ~~which~~ that authorizes the use of college facilities or grounds for
18 the purpose specified in subdivision ~~(e)~~ (h) shall charge the church
19 or religious denomination an amount at least equal to the fair rental
20 value of the facilities or grounds.

21 ~~(e)~~

22 (h) The governing board of ~~any~~ a community college district
23 may grant the use of college facilities or grounds to any church or
24 religious organization for the conduct of religious services for
25 temporary periods where the church or organization has no suitable
26 meeting place for the conduct of these services upon the terms and
27 conditions as the board deems proper, and subject to the limitations,
28 requirements, and restrictions set forth in this article. The governing
29 board shall charge the church or religious organization using the
30 property for the conduct of religious services a fee as specified in
31 subdivision ~~(d)~~ (g).

32 ~~(f) In the case of entertainments~~

33 (i) ~~For entertainment or meetings~~ a meeting where an admission
34 ~~fees are~~ fee is charged or ~~contributions are~~ a contribution is
35 solicited and the net receipts of the admission fees or contributions
36 are not expended for the welfare of the students of the district or
37 for charitable purposes, a charge equal to fair rental value shall
38 be ~~made~~ levied for the use of the college facilities, property, and
39 grounds, ~~which charge shall not be less than the fair rental value~~

1 for the use of the college facilities, property and grounds, as
2 determined by the governing board of the district.

3 ~~The~~

4 (j) ~~The~~ governing board ~~may, however,~~ *may* permit the use,
5 without charge, by organizations, clubs, or associations organized
6 for senior citizens and for cultural activities and general
7 character-building or welfare purposes, when membership dues
8 or contributions solely for the support of the organization, club,
9 or association, or the advancement of its cultural, character-building
10 or welfare work, are accepted.

11 ~~(g)~~

12 (k) The governing board of a community college district may
13 grant the use of college facilities, grounds, and equipment to public
14 agencies, including the American Red Cross, for mass care and
15 welfare shelters during disasters or other emergencies affecting
16 the public health and welfare, and may cooperate with these
17 agencies in furnishing and maintaining services deemed by the
18 governing board to be necessary to meet the needs of the
19 community.

20 (l) *This section shall remain in effect only until January 1, 2022,*
21 *and as of that date is repealed, unless a later enacted statute, that*
22 *is enacted before January 1, 2022, deletes or extends that date.*

23 SEC. 2. Section 82542 is added to the Education Code, to read:

24 82542. (a) Except as provided in subdivision (b), the governing
25 board of a community college district shall grant without charge
26 the use of any college facilities or grounds under its control,
27 pursuant to the requirements of this article, when an alternative
28 location is not available, to nonprofit organizations and clubs and
29 associations organized for general character building or welfare
30 purposes, such as:

31 (1) Student clubs and organizations.

32 (2) Fundraising entertainments or meetings where admission
33 fees charged or contributions solicited are expended for the welfare
34 of the students of the district.

35 (3) Parent-teachers' associations.

36 (4) School-community advisory councils.

37 (5) Camp Fire Girls, Girl Scout troops, and Boy Scout troops.

38 (6) Senior citizens' organizations.

39 (7) Other public agencies.

1 (8) Organizations, clubs, or associations organized for cultural
2 activities and general character building or welfare purposes, such
3 as folk and square dancing.

4 (9) Groups organized for the purpose specified in subdivision
5 (g).

6 (b) The governing board may charge those organizations and
7 activities listed in subdivision (a) an amount not to exceed the
8 following:

9 (1) The cost of opening and closing the facilities, if no college
10 employees would otherwise be available to perform that function
11 as a part of their normal duties.

12 (2) The cost of a college employee’s presence during the
13 organization’s use of the facilities, if the governing board
14 determines that the supervision is needed, and if that employee
15 would not otherwise be present as part of his or her normal duties.

16 (3) The cost of janitorial services, if the services are necessary,
17 and would not have otherwise been performed as part of the
18 janitor’s normal duties.

19 (4) The cost of utilities directly attributable to the organization’s
20 use of the facilities.

21 (c) The governing board may charge an amount not to exceed
22 its direct costs or not to exceed fair rental value of college facilities
23 and grounds under its control, and pursuant to the requirements of
24 this article, for activities other than those specified in subdivision
25 (a). A governing board that decides to levy these charges shall first
26 adopt a policy specifying which activities shall be charged an
27 amount not to exceed direct costs and which activities shall be
28 charged an amount not to exceed fair rental value.

29 (1) As used in this section, “direct costs” to the district for the
30 use of college facilities or grounds means those costs of supplies,
31 utilities, janitorial services, services of any other district employees,
32 and salaries paid community college district employees necessitated
33 by the organization’s use of the college facilities and grounds of
34 the district.

35 (2) As used in this section, “fair rental value” means the direct
36 costs to the district, plus the amortized costs of the college facilities
37 or grounds used for the duration of the activity authorized.

38 (d) The governing board of a community college district that
39 authorizes the use of college facilities or grounds for the purpose
40 specified in subdivision (e) shall charge the church or religious

1 denomination an amount at least equal to the fair rental value of
2 the facilities or grounds.

3 (e) The governing board of a community college district may
4 grant the use of college facilities or grounds to any church or
5 religious organization for the conduct of religious services for
6 temporary periods where the church or organization has no suitable
7 meeting place for the conduct of these services upon the terms and
8 conditions as the board deems proper, and subject to the limitations,
9 requirements, and restrictions set forth in this article. The governing
10 board shall charge the church or religious organization using the
11 property for the conduct of religious services a fee as specified in
12 subdivision (d).

13 (f) For entertainment or a meeting where an admission fee is
14 charged or a contribution is solicited and the net receipts of the
15 admission fees or contributions are not expended for the welfare
16 of the students of the district or for charitable purposes, a charge
17 shall be made for the use of the college facilities, property, and
18 grounds, which charge shall not be less than the fair rental value
19 for the use of the college facilities, property and grounds, as
20 determined by the governing board of the district.

21 (g) The governing board may permit the use, without charge,
22 by organizations, clubs, or associations organized for senior citizens
23 and for cultural activities and general character-building or welfare
24 purposes, when membership dues or contributions solely for the
25 support of the organization, club, or association, or the
26 advancement of its cultural, character-building or welfare work,
27 are accepted.

28 (h) The governing board of a community college district may
29 grant the use of college facilities, grounds, and equipment to public
30 agencies, including the American Red Cross, for mass care and
31 welfare shelters during disasters or other emergencies affecting
32 the public health and welfare, and may cooperate with these
33 agencies in furnishing and maintaining services deemed by the
34 governing board to be necessary to meet the needs of the
35 community.

36 (i) This section is operative on and after January 1, 2022.

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